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USAID/MACEDONIA JUDICIAL STRENGTHENING PROJECT (JSP)

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I. PROGRAM-RELATED ACTIVITIES AND TASKS

RESULT 1: STRENGTHENING ADVOCACY AND CITIZEN PARTICIPATION IN JUDICIAL SECTOR REFORM

1.1 Requirement 1.1: A Short, Focused Assessment, Baseline Survey, and Resulting Action Plan on Justice Sector LPAs and CSOs, and the Role they can play in Strengthening the Rule of Law in Macedonia

The Judicial Strengthening Project (JSP) fulfilled Requirement 1.1 during its first two years of implementation.

1.2 Requirement 1.2: Per the Findings of Requirement 1.1, the Capacity of at Least Two Judicial Sector Professional Associations are Improved

Per the findings of Requirement 1.1, JSP designed, delivered, and completed a training program to build the capacities of the Macedonian Judges Association (MJA), Court Administrators Association (CAA), and other LPAs as well as CSOs. The sections below outline the follow up activities and events carried out during July 2014 that built on the implementation of the training program.

1.2.1 Other Support for LPAs

Macedonian Young Lawyers Association (MYLA)

On July 17, the JSP and the President of MYLA discussed the status of current activities and planned future activities.

- The JSP is considering providing continued technical support and maintenance of the MYLA website for the next year at a cost of 3000 MKD (\$66.00) per month. This decision will be based on the scope of work prepared by the MYLA President;
- MYLA expressed an interest for the JSP to support strategic litigation and project cycle management trainings, similar to those organized in February and April 2014. These trainings would be delivered by MYLA members for the European Law Student Association (ELSA) and the Court Administrator Association (CAA). JSP will consider supporting such trainings for the next year;
- In August, the JSP will send an invitation letter to the president of the Center for Justice and invite him to visit Macedonia and conduct a workshop on Strategic Litigation for MYLA and ELSA. The dates of the workshop will be determined upon availability of the experts, but we hope to hold it in the next quarter;
- The JSP, in cooperation with the Academy for judges and public prosecutors, will facilitate a roundtable discussion with an intellectual property law expert. The participants will be judges and a few members of MYLA and ELSA .

The next meeting is scheduled for August 12.

Court Administration Association (CAA)

During July, the CAA President requested that the JSP support a roundtable discussion on the new Law on Court Service. This roundtable was initially included in the agenda for the Fifth CAA Annual Assembly on May 28-30, but was postponed because the Government at that time was not constituted yet. The JSP will organize the roundtable for a larger audience, including representatives from the Ministry of Justice, Supreme Court, Judicial Council, Court Service Council, Macedonian Judges Association, Court Administration Association, and law

professors. The agenda will include a detailed review of the new provisions of the law, along with a question and answer session on the process of preparing the Law and its expected effects on the status of the non-judicial personnel.

The JSP is considering organizing this one-day roundtable in October in Skopje.

European Law Students Association (ELSA)

ELSA Website. -The ELSA website, officially launched in June, is currently being populated with content by ELSA members. ELSA members and the vendor held several meetings during the month to resolve some bugs with the website. A user's manual was prepared by the vendor for future reference and was included in the administration section of the site.

Macedonian Bar Association (BAR)

On July 17, the local vendor Fridge Check presented the functionalities of the new website to the JSP and the President of the BAR. It was agreed that the functionalities fulfill the required format and are in compliance with the needs of the BAR. The vendor is now populating the new website with data received from the BAR. The official launch of the website is expected mid-August 2014.

1.2.2 Broad-Based Coalition of LPAs

As MYLA assumed the presiding role of the ROLC in June, the JSP met with the newly elected ROLC MYLA President on July 17 to discuss the status of the organization's strategic plan implementation and other activities of the Rule of Law Council (ROLC). The following points of the Strategic Plan were discussed specifically:

- Make at least three draft proposals in the ROL and human rights area to be used when a call for proposals is issued: MYLA will prepare a concept note by mid-August;
- Introduce the ROLC to donors: MYLA has already introduced the ROLC to four donors: UNHCR, ABA/ROLI, and two Dutch organizations;
- Create brochure to promote the ROLC and define vision and mission: The text will be prepared by ELSA and it will be shared with the other two ROLC organizations for comments;
- Regarding the Criminal Procedure campaign: MYLA will do a brainstorming about the whole campaign based on their previous experience on this subject-matter and will send it to the JSP in August. The campaign will be entirely supported by the JSP;
- Create M&E mechanism to be implemented by Secretariat: This will be left out of implementation for now.

The creation of a ROLC website was also discussed. The JSP agreed to revisit this activity once the ROLC has sufficient activities and content to populate it. Until that time, each of the founding organizations (ELSA, MYLA, and CAA) will have a separate menu on their respective websites that will contain a description of the ROLC and news about its activities. MYLA will create this description and distribute it to the other organizations in August.

RESULT 2: MORE INDEPENDENT, EFFICIENT, AND CONSISTENT APPLICATION OF JUDICIAL POLICIES AND PRACTICES

2.1 Requirement 2.1: Legal Framework and Judicial Branch Policies Strengthen Independence, Effectiveness, and Accountability of the Judicial System

2.1.1 Review and Advocacy of Laws by the Judiciary

Judicial Branch Forum (JBF) Follow-up

The JSP sent a letter to the SC requesting that they nominate two members to establish and coordinate a team for future trainings on the Law on Civil Procedure (LCP). The SC nominated two Justices, one of whom will serve as team coordinator.

On July 16, the Academy for Judges and Public Prosecutors (Academy) hosted the first meeting of the coordination team, at which, trainers were identified for the following topics:

- Disclosure of evidence and burden of proof;
- Court procedures upon objections against decisions of enforcement agents and notaries;
- Expenses of court procedures;
- Revision – extraordinary legal remedy at the SC;
- Determination of value of the case;
- Service of process.

The coordination team will meet once again in September, and the first training will be organized for October.

2.2 Requirement 2.2: Administration and Management Rules, Policies and Procedures, and Systems and Practices to Support a Modern Court System

2.2.1 Strategic Plans for the Basic Court Skopje I, Basic Court Skopje II, and the Academy for Judges and Public Prosecutors

During July, the consultants from Trajkovski & Partners Consulting (T&P) continued the activities in the development of strategic plans.

Basic Court Skopje I - On July 2, T&P met a second time with the President of Skopje I to discuss the development of a Strategic Plan for the court. The purpose of this meeting was to introduce a work book of questionnaires for the President and other employees to complete regarding the current status of the court, relevant laws, the vision and mission of the court, and desired project results. All parties agreed that a working group of 15 (a mix of employees and stakeholders) would be created to work on the next steps of the strategic planning process. The General Strategic Planning Workshop for BC Skopje I is planned for early September.

Basic Court Skopje 2 - On July 2, T&P met with the Acting President of BC Skopje 2, who provided a list of the nine employees who will form the working group to prepare a Strategic Plan for the court. On July 10, the working group met with the consultants and completed the self-assessment questionnaire about relevant laws, the vision and mission of the court, and the desired project results. The general Strategic Planning Workshop for BC Skopje 2 is scheduled for August 24-26.

Academy for Judges and Public Prosecutors - On July 1, T&P held a working meeting with representatives of the Academy. Seven Academy employees completed the self-assessment questionnaire.

On July 8-9, T&P facilitated the general Strategic Planning Workshop for the Academy in Mavrovo. The main goal of the workshop was to gather information and ideas necessary for the development of the Academy's Strategic Plan for 2015-2017. Seventeen (17) participants attended, including eight Academy staff, two members of the JC, one Supreme Court Justice, one Appellate Court Judge, two Public Prosecutors, one Basic Court Judge, and two JSP representatives. At the workshop, the following results were achieved:

- ✚ New vision, mission and work principles for the Academy were defined;
- ✚ Strategic priorities and strategic projects in compliance with the priorities were determined;
- ✚ Projects were identified and categorized according to their characteristics and risk-probability;
- ✚ Project success-indicators, assessment of success-factors and potential risks were identified; and
- ✚ A draft Action Plan was developed.

Following the workshop, T&P completed a half day in-house meeting with four Academy employees who are part of the strategic plan working group. The attendees discussed the projects suggested at the general Strategic Planning Workshop and redressed any logistical or planning gaps such as the period of implementation or the expected results. With all project details identified, the working group will now create a financial framework for consideration in the strategic plan.

The strategic planning process will be implemented through November 2014.

2.2.2 Assist courts to improve transparency and communication with public and media

The JSP sent the Judicial Practice Bulletins prepared by the Appellate Court Shtip and the Appellate Court Bitola for printing. JSP will create and disseminate information about the judicial practice by printing 700 copies of these publications.

RESULT 3: INCREASED FAIRNESS AND EFFICIENCY OF THE ADMINISTRATION OF JUSTICE THROUGH MORE EFFECTIVE LEGAL PERSONNEL AND EFFICIENT PROCESSES

3.1 Requirement 3.1: Develop and Implement Targeted Specialized Training for Judges, Court Administrators, Executives and Court Staff

3.1.1 Continue training opportunities for judges with the Academy

The JSP approached a potential consultant, US expert Ms. Diane Bosse, to assist the members of a working group designated by the Academy, to develop a questionnaire for the entrance exam for candidates seeking enrollment at the Academy. During a JSP-organized conference call for the Academy Director and Ms. Bosse, it became apparent that the Macedonian entrance process is not similar to the US Bar examination system. The Academy Director announced that the multiple-choice questions and grading answers of the Macedonian model may be changed, and if that happens, the JSP will take further steps for engaging the consultant.

3.2: Requirement 3.2: Improve Caseload Processing and Reduce Backlog of Cases

3.2.1 Analyze Performance and Support Solutions for Improved Case Processing and Addressing Other Problems in the Administrative Court (AC)

The short and focused Analysis of the Operations and Performance of the AC (Analysis) was completed by BASME and submitted to the JSP. BASME began the Analysis in May and, in the past two months, has held a number of meetings with the President and designated staff of the AC, the President of the JC and other relevant stakeholders. Also, BASME has analyzed the data provided by the AC regarding the performance of court operations in the past years.

After the review of the Analysis by the JSP, it will be shared with the AC and the JC and future steps will be identified to implement priority solutions/recommendations.

3.2.2 Develop strategies for Differentiated Case management (DCM) and determine National Time Standards (NTS) for different case types

On July 4 and 5, as part of the consultancy of the U.S. expert on court administration Mr. Marcus Zimmer, JSP organized a workshop for the members of the working group on DCM and NTS. The workshop, as a follow-up to the June study tour to the US, concentrated on identifying the initial steps necessary to implement a DCM system and the procedures and criteria needed to establish NTS for disposing of cases.

The two-day workshop included examples of the criteria used for defining the complexity of cases and the effect of that complexity on case timelines. The workshop also focused on developing different case tracks and guidelines for a model continuance policy. The participants shared lessons learned from the US study tour and discussed potential obstacles to the DCM and NTS implementation.

The following conclusions were reached:

1. Define the necessary procedural events for all types of cases, and, based on the deadlines between events, establish four separate tracks and assign cases to the tracks.
2. Establish a sub-working group from among the judges that participated in the US study tour, along with judges of higher courts, Appellate Court and Supreme Court, who will work on development of National Time Standards.
3. Develop an action plan for introducing DCM and NTS to the courts, and establish timeframes for all of the planned activities developed and adopted in the study tour action plan.
4. Develop and adopt a national continuance policy; establish an analytics group that will monitor the implementation of the standards and prepare reports indicating whether courts are in compliance with the standards. Develop potential incentives/warnings for the judges that do not comply with the continuance policy.
5. In addition to the time standards for disposing of cases set forth in the Law on Civil Procedure, establish standards for deadlines between case events and overall duration of the case, based on case complexity.
6. Prepare a list of needed modifications to the Automated Court Case Management and Information System (ACCMIS) that will provide for monitoring of the deadlines in several different tracks and prepare statistics reports for compliance with the time standards.
7. Propose tasks for the other members of the judge's team, such as the intake office, the judge's assistant, the typist, and the court clerk.

Introducing DCM and NTS in any court system cannot be fully implemented and successful without a support of the local BAR. For that purpose Mr. Zimmer met with Mr. Dodevski, President of the Macedonian Bar and shared the concept and plan for DCM implementation in two pilot courts. Mr. Dodevski expressed his concerns about this novelty and asked that a few members of the BAR to be appointed to the DCM working group.

RESULT 4: CRISIS-MODIFIER AND MATERIAL SUPPORT

Refurbishment of a Courtroom at the Faculty of Law in Shtip

The RFP for the mock trial courtroom was published on July 8. The RFP schedule is as follows:

- Expressions of interest - July 14, 2014
- On-site visit - July 15, 2014
- Closing Date for Questions - July 18, 2014
- Responses to questions - July 21, 2014
- Proposals Submittal - August 4, 2014
- Proposals Evaluation - August 5, 2014

The JSP facilitated an on-site visit on July 15, which was attended by five of the 11 vendors that expressed an interest in the project. The majority of the questions were answered/clarified during the visit to the venue which reduced the number of questions received by the JSP office by the closing date.

II. COORDINATION MEETINGS

Directorate for Personal Data Protection - On July 21, the JSP met with Director of the Directorate for Personal Data Protection, Mr. Dimitar Georgievski, and JC member, Judge Violeta Bogojeska. Mr. Georgievski requested a meeting with the President Judges to present the findings of the inspections for courts' compliance with the Law on Personal Data Protection. This meeting is scheduled for early November 2014 and would focus on:

- How to improve the processing of personal data in the courts;
- Technical and organizational measures for providing security of personal data in the courts; and
- Recommendations for upgrading ACCMIS to secure the abovementioned.

Mr. Georgievski believes that this meeting would strengthen the courts' argument for additional funds from the CBC to secure properly implement the Law on Personal Data Protection. This idea was generally supported by the JSP and Judge Bogojeska. Upon final approval from the JC, JSP will provide further assistance in organizing this meeting.

III. PROBLEMS AND REMEDIAL ACTIONS

Problems have been minimal and are of the type to be expected in the regular course of implementation.

IV. ADMINISTRATIVE MATTERS

On July 1, Ms. Ana Velkovska became a permanent employee of the JSP after successfully completing her probationary period.

V. SUMMARY OF ACTIVITIES PLANNED FOR AUGUST 2014

The summary of activities planned for June 2014 is as follows:

- Continue strategic planning process with the Academy, BC Skopje I, and BC Skopje II;
- Award subcontract to the selected vendor and commence refurbishment of the room at the Faculty of Law in Shtip;
- Print MYLA analysis;
- Print Appellate Courts Bitola and Shtip jurisprudence bulletins
- Launch BAR's website;
- Prepare for the upcoming visit of the Center for Justice from Sweden to train MYLA and ELSA on strategic litigation.